

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

| | | |
|---------------------------|---|--------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | C00-1022 MJM |
| |) | |
| v. |) | |
| |) | |
| INTERSTATE POWER COMPANY, |) | |
| |) | |
| Defendant. |) | |

**BRIEF IN SUPPORT OF UNOPPOSED
MOTION TO TERMINATE CONSENT DECREE**

On July 31, 2000, the United States filed a Complaint alleging claims against Interstate Power Company ("IPC") under the Clean Air Act, 42 U.S.C. § 7413(b)(2). On July 31, 2000, the United States lodged with the Court a proposed Consent Decree between the United States and Interstate Power Company. After receiving no comments during the 30 day public comment period, on September 8, 2000, the United States moved the Court to enter the Consent Decree. The Court entered the Consent Decree on September 11, 2000. The Consent Decree required IPC to transfer 1,474 sulfur dioxide Allowances to the EPA Surrender Account and to pay a \$200,000 civil penalty. The Consent Decree also required Interstate Power Company to submit to the EPA Region VII a copy of the confirmation forms evidencing that the 1,474 Allowances had been successfully transferred to the EPA Surrender Account.

Paragraph 39 of the Consent Decree, p. 15, provides a process for terminating

the Consent Decree. When IPC determines that it has completed the transfer required by the Consent Decree, it must submit notice of completion to the EPA, stating that IPC has satisfied all obligations of the Consent Decree and believes the Consent Decree can be terminated. See Consent Decree, paragraph 39, p. 15. If the EPA determines that the Consent Decree may be terminated the United States will file a motion with the Court seeking termination. Id.

IPC has paid the civil penalty and completed the transfer of Allowances required by the Consent Decree. A notice of completion was submitted to the EPA and EPA issued an Allowance Tracking System Report on October 11, 2000, showing that the 1,474 Allowances were successfully transferred to the EPA Surrender Account. IPC has demonstrated that its obligations under the Consent Decree are now complete.

This Court should grant the United States' Unopposed Motion to Terminate Consent Decree.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on 5-27-04 I electronically filed the foregoing with the Clerk of the Court using the ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record, shown below by U.S. Mail:

UNITED STATES ATTORNEY

BY: s/ D. Nash

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